

REMARKS

Claims 1-5 are in the application.

Claims 1 and 2 have been amended to set forth the invention more clearly.

With respect to the first paragraph on page 2 of the office action, the attention of the Examiner is directed to the Information Disclosure Statement which is being filed concurrently herewith.

Reconsideration and withdrawal of the rejection of the claims under 37 U.S.C. 112, second paragraph, are respectfully requested.

The Examiner will note that the phrase "symmetrical with respect to rotation" has been deleted from the claims.

In addition, the "means" have been recited in the manner required in the office action.

Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. 103(a) as being unpatentable over the prior art discussed in the specification in view of Bartholomew,

and the rejection of the claims as applied to claims 1-5, and further in view of Spatafora, are also respectfully requested.

The reference to Spatafora discloses a gumming device which is formed by a roller mounted in a housing or bearings, wherein a cooling medium flows through the roller. However, the valve arranged in the roller is always in the closed position. Only a shoulder 37 in the frame 2 controls the valve. In other words, the valve is only closed when the roller is taken out of the frame. If an accident should happen and the connection of the rotating roller should be torn off, the shoulder 37 would continue to hold the valve 55 in the open position. The contents of the roller would flow out. Consequently, the reference to Spatafora does not disclose or suggest a valve as it is set forth in the claims of the present application which is operated in accordance to pressure.

Although pressure-operated valves are known in the art, it is not known in the art to use such valves in rollers in order to close the rollers automatically in the case of an accident.

The reference to Bartholomew also does not disclose or suggest the valve according to the present invention. The reference discloses a fuel filling system which includes an automatically closing valve. However, as mentioned above, such

automatically closing valves were known in the art prior to the filing dates of the reference and of the present application. It was clearly not obvious to use such valves in thermal rollers. Certainly, those skilled in the art would not look to a fuel filling system for automobiles to find a solution for a valve as it is used in accordance with the present invention.

Finally, applicants would like to point out that the claims as amended were considered patentable in the prosecution of a corresponding German application.

Therefore, in view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

Fr K

Friedrich Kueffner
Reg. No. 29,482
317 Madison Avenue
Suite 910
New York, N.Y. 10017
(212) 986-3114

Dated: January 28, 2003
Encl.: **amended claims 1 and 2 (clean copies and marked-up versions)**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on January 28, 2003

By: *Fr K*
Friedrich Kueffner

Date: January 28, 2003



MARKED-UP VERSION OF AMENDED CLAIMS 1 AND 2

1. (Amended) A heat exchanger which [is symmetrical with respect to rotation and] is heated by a heat transfer medium, the heat exchanger comprising a thermal roller mounted on two roller necks so as to be driveable for rotation, one of the roller necks having forward flow means for flowing heat transfer medium into an interior of the roller and return flow means for flowing the heat transfer medium out of the interior of the roller, and at least one shut-off device for shutting off at least one of the forward flow means and rearward flow means in the roller neck when a forward flow pressure of the heat transfer medium flowing into the heat exchanger and/or a rearward flow pressure of the heat transfer medium flowing out of the heat exchanger drops significantly or drops to zero.

2. (Amended) The heat exchanger according to claim 1, wherein the forward flow means comprises a forward flow duct and the rearward flow means comprises a rearward flow duct, further comprising a valve each in [a] the forward flow duct and the rearward flow duct of the heat transfer medium [in a roller neck of the thermal roller], such that flow into the thermal roller and return flow from the heat exchanger can be shut off.